

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JAMES DEWAYNE HALE, JR.	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-14-0374-HE
	)	
WARDEN RIOS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff James Dewayne Hale Jr., appearing *pro se*, filed this action pursuant to 42 U.S.C. §1983. Consistent with 28 U.S.C. § 636, the matter was referred to Magistrate Judge Charles B. Goodwin, who has recommended that the action be dismissed without prejudice due to plaintiff's failure to pay the initial partial filing fee of \$44.14.


The magistrate judge had granted plaintiff's motion to proceed *in forma pauperis*, but advised plaintiff that he would be required to pay the \$350 filing fee, beginning with an initial partial payment of \$44.14 by June 4, 2014. Plaintiff was told that if he failed to pay the initial fee or show good cause in writing for not doing so, the action would be subject to dismissal without prejudice. When plaintiff did not pay the initial fee or explain his failure to do so, the magistrate judge issued a Report and Recommendation recommending that the action be dismissed without prejudice.

Plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C.

§636(b)(1)(C). Accordingly, the court **ADOPTS** Magistrate Judge Goodwin's Report and Recommendation and dismisses this action without prejudice to refiling.

**IT IS SO ORDERED.**

Dated this 25th day of July, 2014.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE